

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN SENATE APRIL 13, 2011

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 610

Introduced by Senators Wright and Correa

February 17, 2011

An act to amend Sections 26165, 26190, and 26205 of, and to add Section 26202 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, as amended, Wright. Firearms: license to carry concealed firearm.

Existing law establishes an application process, including a determination of good cause and completion of a training course, for persons seeking a license to carry a concealed firearm. Existing law authorizes the licensing authority of any city, city and county, or county to charge a fee in addition to the application fee in an amount equal to the actual costs for processing the application for a new license, excluding fingerprint and training costs, but in no case to exceed \$100. Existing law provides that no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, other than those costs already specified in those provisions, may be imposed by any licensing authority as a condition of the application for a license.

This bill would provide that the applicant would not be required to pay for any training courses prior to a determination of good cause being made, as specified. *The bill would clarify that the application fee for a new license includes the costs of required notices.* The bill would

also provide that no applicant would be required to obtain liability insurance as a condition of the license.

The bill would require the licensing authority to provide written notification of the determination of good cause to the applicant, as specified.

Existing law requires the licensing authority to give written notice to the applicant indicating if the license is approved or denied within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

This bill would also require that the notice provide ~~the specific reason for denial, which requirement was not satisfied~~ if the license is denied.

By imposing additional burdens on local government entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 26165 of the Penal Code is amended to
- 2 read:
- 3 26165. (a) For new license applicants, the course of training
- 4 for issuance of a license under Section 26150 or 26155 may be
- 5 any course acceptable to the licensing authority, shall not exceed
- 6 16 hours, and shall include instruction on at least firearm safety
- 7 and the law regarding the permissible use of a firearm.
- 8 (b) Notwithstanding subdivision (a), the licensing authority may
- 9 require a community college course certified by the Commission
- 10 on Peace Officer Standards and Training, up to a maximum of 24
- 11 hours, but only if required uniformly of all license applicants
- 12 without exception.
- 13 (c) For license renewal applicants, the course of training may
- 14 be any course acceptable to the licensing authority, shall be no

1 less than four hours, and shall include instruction on at least firearm
2 safety and the law regarding the permissible use of a firearm. No
3 course of training shall be required for any person certified by the
4 licensing authority as a trainer for purposes of this section, in order
5 for that person to renew a license issued pursuant to this article.

6 (d) The applicant shall not be required to pay for any training
7 courses prior to the determination of good cause being made
8 pursuant to Section 26202.

9 SEC. 2. Section 26190 of the Penal Code is amended to read:

10 26190. (a) (1) Each applicant for a new license or for the
11 renewal of a license shall pay at the time of filing the application
12 a fee determined by the Department of Justice. The fee shall not
13 exceed the application processing costs of the Department of
14 Justice for the direct costs of furnishing the report required by
15 Section 26185.

16 (2) After the department establishes fees sufficient to reimburse
17 the department for processing costs, fees charged shall increase at
18 a rate not to exceed the legislatively approved annual cost-of-living
19 adjustments for the department's budget.

20 (3) The officer receiving the application and the fee shall
21 transmit the fee, with the fingerprints if required, to the Department
22 of Justice.

23 (b) (1) The licensing authority of any city, city and county, or
24 county may charge an additional fee in an amount equal to the
25 actual costs for processing the application for a new license,
26 *including any required notices*, excluding fingerprint and training
27 costs, but in no case to exceed one hundred dollars (\$100), and
28 shall transmit the additional fee, if any, to the city, city and county,
29 or county treasury.

30 (2) The first 20 percent of this additional local fee may be
31 collected upon filing of the initial application. The balance of the
32 fee shall be collected only upon issuance of the license.

33 (c) The licensing authority may charge an additional fee, not to
34 exceed twenty-five dollars (\$25), for processing the application
35 for a license renewal, and shall transmit an additional fee, if any,
36 to the city, city and county, or county treasury.

37 (d) These local fees may be increased at a rate not to exceed
38 any increase in the California Consumer Price Index as compiled
39 and reported by the Department of Industrial Relations.

(e) (1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).

(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the applicant to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

SEC. 3. Section 26202 is added to the Penal Code, to read:

26202. Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. *If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the specific reason why the determination was made that good cause does not exist.*

SEC. 4. Section 26205 of the Penal Code is amended to read:

26205. The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice within 90

1 days of the initial application for a new license or a license renewal,
2 or 30 days after receipt of the applicant's criminal background
3 check from the Department of Justice, whichever is later. If the
4 license is denied, the notice shall ~~provide the specific reason for~~
5 ~~denial~~ *state which requirement was not satisfied*.

6 SEC. 5. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.